

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT FOR THE**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 **MIKE NELSON COMPANY, INC., a**)
11 **California Corporation,**)

12 **Plaintiff,**)

13 **v.**)

14 **WESTON HATHAWAY, and DOES**)
15 **1 through 10,**)

16 **Defendants.**)
17 _____)

CV F 05-0208 AWI DLB

ORDER TAKING DEFENDANT'S
MOTION TO DISMISS AND
MOTION FOR SANCTIONS
UNDER SUBMISSION

18 Defendant's motion to dismiss and for sanctions is pending in this action and is set for
19 hearing on Monday, December 19, 2005. The court has reviewed the moving papers and has
20 determined that this matter is suitable for decision without oral argument. Local Rule 78-230(h).

21 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of December
22 19, 2005, is VACATED, and the parties shall not appear at that time. As of December 19, 2005,
23 the Court will take the matter under submission and will thereafter issue its decision.

IT IS SO ORDERED.

24 **Dated: December 14, 2005**
0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE